



COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

Judith Williams Jagdmann
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071

October 4, 2005

Dr. Jo Lynne DeMary
Superintendent of Public Instruction
Department of Education
Monroe Building
101 North 14th Street
Richmond, VA 23219

**Re: Rules Governing the Process for Submitting
Proposals to Consolidate School Divisions
(8 VAC 20-710-10 *et seq.*)**

Dear Dr. DeMary:

You ask whether the Virginia Board of Education possesses the requisite statutory authority to promulgate the above referenced regulations.

Section 22.1-16 vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1. In addition, § 22.1-25(D) directs the Board to promulgate regulations on this subject. In my view, therefore, the Board possesses the requisite authority to promulgate these regulations.

The foregoing represents my view and does not constitute an official opinion of the Attorney General. If you require additional assistance from me on this matter, please do not hesitate to contact me.

Sincerely,

Deborah A. Love
Senior Assistant Attorney General